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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,365	10/28/2003	Gerhard Fritz Blohdorn	HK-780	5960
24131	7590	09/07/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CRENSHAW, MARVIN P	
			ART UNIT	PAPER NUMBER
			2854	
DATE MAILED: 09/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,365	BLOHDORN, GERHARD FRITZ	
	Examiner	Art Unit	
	Marvin P. Crenshaw	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the RCE filed on 8/12/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 and 12 - 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 10 and 12 - 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 – 8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Vrotacoe et al.

With respect to claim 1, Vrotacoe et al. teaches an apparatus for controlling a temperature of a printing plate in an external drum exposer having an exposure drum for holding the printing plate (See col. 3, lines 54 – 58), the apparatus comprising an internal pipe (22, 110) disposed on an axis of the exposure drum and at least one rotary lead-through (2) fluidically communicating with and through which a temperature-controlled liquid flows (See col. 2, lines 40 – 51) into said internal pipe for achieving a defined temperature of the printing plate.

With respect to claim 2, Vrotacoe et al. teaches webs (Fig. 2, 4) connected to said internal pipe, the exposure drum is a cylinder (Fig. 1) connected to said internal pipe by said webs.

With respect to claim 5, Vrotacoe et al. teaches said rotary lead-through is disposed at a first end (Fig. 2) of the exposure drum with which the temperature-controlled liquid is led into said internal pipe and further comprising a further rotary lead-through disposed at a

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second end (Fig. 3) of the exposure drum with which the temperature controlled liquid is led out of said internal pipe.

With respect to claim 6, Vrotacoe et al. teaches a rotary lead-through is a two-way rotary lead-through (Fig 4b) disposed at one end of the exposure drum, said two-way rotary lead-through leading the temperature-controlled liquid into and out of said internal pipe.

With respect to claim 7, Vrotacoe et al. teaches further comprising a temperature control unit (100) disposed in a path of the temperature-controlled liquid for keeping the temperature controlled liquid at a constant temperature.

With respect to claim 8, Vrotacoe et al. teaches wherein the temperature-controlled liquid is water (See col. 5, lines 41 – 44).

With respect to claim 14, Vrotacoe et al. teaches an exposure drum for controlling a temperature of a printing plate comprising an cylindrical body (Fig. 1) for holding the printing plate (See col. 3, lines 54 – 58) and having an axis an internal pipe (22, 110) disposed along said axis of said cylindrical body and at least one rotary lead-through (2) fluidically communicating with and through which a temperature-controlled liquid (See col. 5, lines 41 – 44) flows into said internal pipe for achieving a defined temperature of the printing plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrotacoe et al. in view of Feller et al.

With respect to claims 3 and 4, Vrotacoe et al. teaches all that is claimed, as discussed in the above rejection of claims 1, 2, 5 – 8 and 14, except webs connected to the internal pipe and the webs are fabricated from a thermally conductive material.

Feller et al. teaches a cylinder, said internal pipe(13) and said webs(15) are fabricated from a thermally conductive material (See Col. 3, lines 50 – 55) and the internal pipe and said webs are fabricated from an extruded part (Fig. 2).

It would have been obvious to modify Vrotacoe et al. to have webs connected to the internal pipe the webs are fabricated from a thermally conductive material as taught by Feller et al. to provide an efficient means for maintaining a constant temperature of the printing material while printing.

With respect to claim 9, Vrotacoe et al. doesn't teach the temperature-controlled liquid further containing at least one of a corrosion-prevention additive and an antifreeze additive but however Feller et al. teaches a coolant and it would be obvious to one of ordinary skill in the art to know that a coolant contains an additive and the a coolant is efficient for controlling the temperature of the exposure drum.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vrotacoe et al. in view of Feller et al. as applied to claims 1, 2, 5 – 8 and 14 above, and further in view of Marmin et al.

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Vrotacoe et al. as modified by Feller et al. teaches all that is claimed, as discussed in the above rejection of claims except the thermally conductive material is aluminum.

With respect to claim 10, Marmin teaches wherein the thermally conductive the thermally conductive material is aluminum (See col. 4, lines 36 – 40). It would have been obvious to further modify Vrotacoe et al. to have the apparatus wherein the thermally conductive the thermally conductive material is aluminum as taught by Marmin et al. because it is known to be very efficient in transferring heat.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vrotacoe et al. in view of Hosokawa.

With respect to claim 12 and 13, Vrotacoe et al. teaches an exposers for controlling a temperature of a printing plate comprising an exposure drum for holding the printing plate and having an axis, an internal pipe (22, 110) disposed along said axis of said exposure drum and at least one rotary lead-through (2) fluidically communicating with and through which a temperature-controlled liquid (See col. 5, lines 41 – 44) flows into said internal pipe for achieving a defined temperature of the printing plate.

Vrotacoe et al. does not teach an exposure head for exposing the printing plate.

Hosokawa teaches an exposure head (22) for exposing the printing plate.

It would have been obvious to modify Vrotacoe et al. to have exposure head for exposing the printing plate as taught by Hosokawa to provide an efficient means for writing an image on the printing plate.

Response to Arguments

Applicant's arguments filed 12/09/2004 have been fully considered but they are not persuasive.

Specifically, Vrotacoe meets the claimed language of having an exposure drum for holding a recording material. One of ordinary skill in the art would recognize that Vrotacoe teaches a printing plate (See col. 3, lines 53 – 58). Furthermore, applicant is not positively reciting the printing plate and drum exposure as part of the invention. Instead applicant is reciting an apparatus to be used with a printing plate and drum exposer. The apparatus disclosed by Vrotacoe appears to be capable of being used with a printing plate and drum exposer.

With respect to applicant's claim of Vrotacoe not teaching a fluid being controlled in the cylinder, applicant's attention is invited to col. 4, lines 41 – 60 of Vrotacoe. Vrotacoe states that his cylinder can circulate a fluid but the fluid must be kept at a lower temperature level within the cylinder (See Col. 4, lines 41 – 60) to keep the cylinder from bending. Also, Vrotacoe also teaches that the fluid temperature must be constant to maintain the temperature level around the cylinder. One of ordinary skill in the art would recognize that since the temperature of the outer surface of the cylinder must be maintained at a constant that the recording material on that outer surface will be kept at a constant temperature too.

With respect to applicant statement of the cylinder is being filled and not circulated, Examiner does not disagree with applicant's claim. But, Vrotacoe teaches

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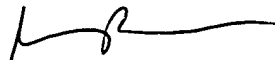
both. He says he uses a spiral jacket to circulate the fluid within the cylinder to keep the temperature of the cylinder at a constant (See Col. 5, lines 20 – 40).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC
August 29, 2005



Daniel J. Colilla
Primary Examiner
Art Unit 2854